

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of NICHOLAS VINCENT
GEORGE, DALTON EDWARD GEORGE,
TYLER EUGENE GEORGE, and PAIGE MARIE
GEORGE, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KEVIN WAYNE GEORGE,

Respondent-Appellant,

and

GRACIELA GEORGE,

Respondent.

In the Matter of NICHOLAS VINCENT GEORGE,
DALTON EDWARD GEORGE, TYLER
EUGENE GEORGE, and PAIGE MARIE
GEORGE, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

GRACIELA GEORGE,

Respondent-Appellant,

and

KEVIN WAYNE GEORGE,

UNPUBLISHED

July 25, 2006

No. 267711

St. Joseph Circuit Court

Family Division

LC No. 04-000899-NA

No. 267762

St. Joseph Circuit Court

Family Division

LC No. 04-000899-NA

Respondent.

Before: Neff, P.J., and Bandstra and Zahra, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right the trial court's order terminating their parental rights to the minor children under MCL 712A.19b(3)(g) and (j). We affirm.

While respondent-father has filed a claim of appeal and an appellate brief, he accepts the termination of his parental rights to the minor children and argues only that termination of respondent-mother's parental rights was erroneous. Nevertheless, this opinion will refer to both respondents.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Trejo, Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). When the children were removed in October 2004, respondents were incarcerated on charges of breaking into and stealing from vending machines. Since 1997, the family had lived in eight states and had moved at least eleven times. In October 2004, both respondents had outstanding warrants in other counties and/or states. Respondent-father had repeatedly abused respondent mother severely, often in the children's presence. Respondent-father also abused at least Tyler, Paige, and older sisters Megan and Marissa, who lived with relatives in Illinois. The older children tried to protect respondent-mother and each other. During the family's wanderings, the children did not attend school or receive regular medical care. Paige and Tyler could not read, and Paige went from kindergarten to fourth grade reading level in a single year after entering foster care. Dalton had nineteen cavities, ate only soft foods, and had to have his front teeth extracted. Nicholas could only sleep in the same room with Paige and referred to her as "mom." Tyler and Paige were terrified of respondent-father, who several times took the children and respondent-mother against their will and transported them across state lines in stolen vehicles. Respondent-mother allowed respondent-father to return on at least four occasions, although she insisted that respondent-father would kidnap one child and then force the rest of the family to go with him. We agree with the trial court that the evidence showed that respondent-mother had opportunities to leave and stay away.

Respondent-mother argues that the trial court erred reversibly in terminating her parental rights where no services were provided to reunify the family. We disagree. No services need be provided where, as here, the permanency plan is to terminate parental rights. See MCL 712A.18f(3)(d). In this case, because of the long-term, severe neglect the children suffered in respondents' care, and because respondents were both incarcerated and could not participate in services, the permanency plan was termination. When respondent-mother was released in September 2005, the children had already spent nearly a year in care. After this, the caseworker referred respondent-mother for domestic assault counseling and a substance abuse assessment. To make the children wait while respondent-mother finished counseling, and presumably took parenting classes and substance abuse treatment for her prescription medication addiction, would not have been reasonable or in the children's best interests. Based on the evidence, the great likelihood was that respondent-mother would return to an abusive relationship and again place the

children in danger. The evidence clearly and convincingly satisfied the statutory grounds for termination under MCL 712A.19b(3)(g) and (j).

The record also supports the trial court's conclusion that termination of respondents' parental rights to the minor children was not clearly contrary to the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. The children need a permanent, safe, stable home, which neither respondent can provide. We have examined the record and find no clear error in the trial court's decision terminating respondents' parental rights.

We affirm.

/s/ Janet T. Neff
/s/ Richard A. Bandstra
/s/ Brian K. Zahra